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In setback, PATH may be on road to nowhere

By MICHEL ELBEN
Staff Reporter



FREDERICK, Md. — It took the Frederick County Board of Special Appeals less than 20 minutes on Dec. 21 to deny Allegheny Power’s request to reconsider an earlier decision on the substation proposed near Mount Airy for its Potomac Appalachian Transmission Highline or PATH project.

PATH is a joint venture between Allegheny Power and American Electric Power for a high-voltage power line to serve PJM Interconnection, a regional organization that coordinates power transmission in 13 states and Washington, D.C.

Although the decision essentially stops the project from coming through Frederick County, opponents to the power line said it may not be enough to stop the project in Maryland.

Opponents across West Virginia, Virginia and Maryland maintain the plan is not needed considering a decline in state economies, as well as what they see as negative impacts on visual, environmental, safety and property values.

Jerry Faulring, whose 200-acre nursery business is part of a preserved farm that is in PATH’s path, said the board’s decision probably won’t be enough to stop the project.

“I do not believe the zoning denial will have any impact on stopping the process,” Faulring wrote in an e-mail to The Delmarva Farmer. “PATH will probably appeal to the state on the grounds the county does not have jurisdiction in this matter. They went through the county process to put on a good face.”

Faulring said he wasn’t as vocal on the PATH project because his efforts to stop a water line project from going through his farm in 2005 had no effect.

“My efforts went for nothing even though I believe my arguments were substantial and correct,” Faulring continued. “I feel the same thing will happen with PATH. I wrote a substantial letter with valid arguments, related to the PATH project, to a large number of folks that should have had an interest in preventing the project from crossing preserved farmland. The response was the same as in 2005; ‘public interest projects have the right to cross preserved land if the right of eminent domain is given’.”

Several groups, including Citizens Against Kemptown Electrical Substation, the Sierra Club and the Sugarloaf Conservancy, stay opposed to the PATH project.

“It’s what I hoped and expected,” said Doug Kaplan, president of the Sugarloaf Conservancy. “You’re never sure what the decision will be until it happens.”

Kaplan said his group and the other opposition groups would continue to oppose the project, no matter what group is making a decision.

PJM Interconnections initially projected the transmission line would be needed by 2012 to prevent grid failure, but has moved the deadline date June 1, 2015.

The utility company also said the substation, and PATH — a 275-mile, \$2.1 billion project across three states — are needed to ensure reliable electric service in the future.

Todd Meyers, manager of external communications for Allegheny Power, said the company would confer and decide what their next steps would be regarding an unfavorable decision by the county appeals board.

Although Allegheny Power is cooperating with Frederick County, Meyers said it was the company’s legal position that county process is pre-empted by state law.

“The Maryland Public Service Commission has ruled that it would have authorization over the siting and construction of the Kemptown Substation — if it determines that the substation is an integral component of the PATH project. We continue to believe that the PSC has authorization to site the substation because it will find that the facility is an integral component of the line,” Meyers wrote in a e-mail to The Delmarva Farmer. He added that evidentiary hearings for PATH by the commission are scheduled for May. The commission decision will determine if Allegheny Power can build PATH by September 2011.

“Bottom line: It’s not a matter of ‘if’ PATH is needed, but how quickly it will be needed to prevent reliability issues with the Mid-Atlantic electric grid,” wrote Meyers.

Kaplan said there is nothing in the PSC code that legislates siting substations.

“Our hope is that a PSC in one state will see that they’ve exceeded their bites in the apple,” said Kaplan. “Otherwise, when does it end?”

In November the appeals board denied Allegheny Power’s application for the Kemptown substation on Bartholow’s Road in a 2-1 vote.

Although previous hearings by the board lasted 25 hours and included 10 hours of testimony, the 3-0 decision with one abstention from the board to deny the request for reconsideration on the PATH project took just minutes.

The rejection of the substation by the board is the most recent of the roadblocks PATH has faced.

At a meeting on Sept. 15, the Frederick County Planning and Zoning Commission voted unanimously to reject the PATH substation because it is not consistent with the county’s comprehensive plan.

During the course of planning, the company has changed its route and decided only to construct one continuous 765-kilovolt line from Amos, W.Va., to Kemptown, rather than connecting with a Beddington, W.Va., substation.

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Allegheny was again forced to change its plans because it was unable to find a route through Berkeley County, W.Va. after several communities there mounted opposition. PJM has since requested that the PATH companies update their testimony to reflect more current information from their preliminary 2011 Load Forecast Report. The draft report differs from prior PJM forecasts and could potentially have an impact on the PATH project's in-service date in Maryland, Virginia, and West Virginia. The power line and associated substations would bring electricity from a coal-fired power station in southeastern West Virginia to population centers to its east. Allegheny's expected portion of those costs is expected to be about \$1.4 billion, according to the PATH website. The cost of the power line would be distributed among ratepayers throughout PJM's service area. Maryland residents could see an increase of 85 cents per month on their bill, according to the PATH website.

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